

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

KENDALL GREEN #315971
[Enter the full name of the plaintiff in this action]

Civil Action No. _____
(to be assigned by Clerk)

v.

SGT. D. ANDERSON of LEE CO. AND
JOE OZMENT, DIRECTOR of SCDC.

COMPLAINT

2010 DEC -2 P 1:52

RECEIVED
USDC CLERK, COLUMBIA, SC

Enter above the full name(s) of defendant(s) in this action

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise related to your imprisonment? Yes _____ No ☒

B. If your answer to A is Yes, describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.

1. Parties to this previous lawsuit:

Plaintiff: N/A

Defendant(s): N/A

2. Court: N/A

(If federal court, name the district; if state court, name the county)

3. Docket Number: N/A

4. Name(s) of Judge(s) to whom case was assigned: N/A

5. Disposition: N/A

(For example, was the case dismissed? Appealed? Pending?)

6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT

- A. Name of Prison/Jail/Institution: LEE C.I. → NOW PERRY C.I.
- B. What are the issues that you are attempting to litigate in the above-captioned case? CRUEL & UNUSUAL PUNISHMENT AND 5th AND 14th AMENDMENTS VIOLATIONS. CIVIL ACTION.
- C. (1) Is there a prisoner grievance procedure in this institution? Yes ☒ No ☐
- (2) Did you file a grievance concerning the claims you are raising in this matter? Yes ☒ No ☐
- When 8/26/10 Grievance Number (if available) LEE C.I. #2437-10
- D. Have you received a final agency/departmental/institutional answer or determination concerning this matter (i.e., your grievance)? Yes ☒ No ☒
- E. When was the final agency/departmental/institutional answer or determination received by you? 9/1/10
- If possible, please attach a copy of your grievance and a copy of the highest level decision concerning your grievance that you have received. WHEN I RECEIVE COPY.*
- F. If there is no prison grievance procedures in this institution, did you complain to prison, jail, or institutional authorities? Yes ☐ No ☐
- G. If your answer is YES:
1. What steps did you take? _____
 2. What was the result? _____

III. PARTIES

In Item A below, place your name, inmate number, and address in the space provided. Do the same for additional plaintiffs, if any.

- A. Name of Plaintiff: KENDALL GREEN Inmate No.: 315971
- Address: ~~990 WISACKY HWY. BISHOPVILLE, S.C. 29010~~ 430 OAKLAWN RD. PELZER, S.C. 29669

In Item B below, place the full name of the defendant, his official position, and place of employment in the space provided. Use Item C for additional defendants, if any.

- B. Name of Defendant: SGT. D. ANDERSON Position: SGT. - SECURITY
- Place of Employment: LEE C.I. 990 WISACKY HWY. BISHOPVILLE, S.C. 29010
- C. Additional Defendants (provide the same information for each defendant as listed in Item B above):
- JON OZMENT, DIRECTOR OF SCDC. STATIONED AT
- THE HEADQUARTERS FOR SCDC, IN COLA.
- 4444 BROAD RIVER RD. COLA, S.C. 29212

IV. STATEMENT OF CLAIM

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach an extra sheet if necessary.

ON 8/18/10, I KENDALL GREEN WAS ON MY WAY TO THE CAFETERIA TO EAT WITH THE REST OF THE DORMITORY (CHESTERFIELD). WHEN I WAS IN THE CAFETERIA SGT. D. ANDERSON STATED TO ME IN A HARSH LIKE MANNER TO "PUT YOUR FUCKING ID ON GREEN, I'M GETTING TIRED OF TALKING TO YOU." ALTHOUGH I WAS OUT OF COMPLIANCE AND I HAD NO PROBLEM WITH GETTING INTO COMPLIANCE BUT IT WAS THE MANNER IN WHICH HE TALKED TO ME THAT PROVOKED ME TO CURSE HIM IN THE SAME MANNER IN WHICH HE CURSED ME. BUT AFTER I SAID WHAT I SAID HE GRABBED HIS GAS CAN (MK-9, THE BIG CAN THEY ONLY USE WHEN TWO OR MORE PEOPLE ARE IN AN "PHYSICAL" INTERCATION) AND SPRAYED ME POINT BLANK RANGE IN THE FACE WITH IT AND THEN PUSHED ME TO THE GROUND WITH A STRAIGHT ~~ARM~~ ARM BAR TAKEDOWN, WHICH WAS LIKE A BLOW TO THE THROAT. AND ALL OF THIS HE DID BECAUSE I ONLY CURSED HIM IN THE SAME MANNER IN WHICH HE'D DONE ME. PURSUANT TO THE ~~DISCIPLINARY~~ DISCIPLINARY POLICY OP. 22:14 OF SCDC, SGT. D. ANDERSON IS ONLY SUPPOSED TO WRITE AN INMATE UP WHEN HE'S CURSING OR USING OBSCENE, VULGAR OR PROFANE LANGUAGE, NOT SPRAY AND ASSAULT THE INMATE AND THEN STRIVE TO COVER HIS UNPROFESSIONALISM BY WRITING HIM UP, AS IF HE WAS ASSAULTED HIMSELF. AND TO INCLUDE, THE ONLY TIME AN OFFICER IS TO SPRAY AN INMATE WITH GAS IS ONLY WHEN THEY'RE PHYSICALLY OUT OF CONTROL OR PHYSICALLY AGGRESSIVE TOWARDS CORRECTIONAL OFFICERS AND OTHER INMATES. NONE OF THOSE FACTORS EXISTED IN MY SITUATION, SO THEREFORE, SGT. D. ANDERSON ACTIONS

IV. STATEMENT OF CLAIM - continued.

WAS EXCESSIVE USE OF FORCE, ~~AND~~ WHICH CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT. ALSO VIOLATING ~~THE~~ MY 5th AND 14th AMENDMENTS RIGHTS.

JON OZMENT IS LISTED AS A DEFENDANT IN THIS ACTION BECAUSE HE IS RESPONSIBLE FOR SGT. D. ANDERSON'S TRAINING AND ALSO KNOWS OF THE CRUEL AND UNUSUAL PUNISHMENT GOING ON DOWN AT LEE BUT REFUSES TO DO ANYTHING ABOUT IT.

V. RELIEF.

State briefly and exactly what you want the court to do for you.


BEING AS THOUGH I WAS CHARGED WITH STRIKING AN EMPLOYEE, WHICH WAS THE OTHER WAY AROUND, ~~AND MY VISITS WAS~~ TAKEN AND OTHER PRIVILEGES, I WOULD LIKE FOR ~~ALL OF~~ ALL OF MY PRIVILEGES TO BE GIVEN BACK TO ME AND MY ~~DETENTION~~ DETENTION TIME DISMISSED AND I LET BACK TO POPULATION IMMEDIATELY.

SECONDLY, I'M REQUESTING \$15,000 FOR MY MENTAL DISTRESS AND STRESS BECAUSE MY FAMILY ARE MAD AT ME FOR THINKING I LIED TO THEM ABOUT ME BEING A CHANGED MAN. \$15,000 FOR ME NOT BEING TO SEE MY DAUGHTER FOR MORE YEARS OF HER LIFE, WHILE I'M INCARCERATED. AND \$15,000 FOR MY VISION BEING PARTIALLY BLURRED DUE TO THE AMOUNT OF GAS THAT I WAS SPRAYED WITH FROM THE CANISTER OF THE MK-9.

THANKS

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 25th day of OCTOBER, 20 10.


Signature of Plaintiff